

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-27 were rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al. (hereinafter, “Carney”, 6,449,663).

Carney discloses a method and apparatus for adjusting an interval of polling a peripheral device (e.g., a printer) based on a change in the working status of the peripheral device. As referred to in Carney, the term “working status” may indicate whether a peripheral device is in the process of performing a job or task. The working status may also indicate if an alert has occurred at the peripheral device. [Carney, column 3, lines 28-32.]

In one embodiment, the working status is determined by reading a Management Information Base (MIB) which “may also include additional information, such as the speed of printing pages, the time that passes before the first page of a document is printed, and/or the rate at which the working status stored in the MIB is updated.” [Carney, column 3, lines 37-41.] Carney also indicates that factors in adjusting the polling interval can include “the content of a print job” (e.g., polled less frequently if a graphical image is being printed) as well as “the speed of the respective peripheral device.” [Carney, column 5, lines 32-36.]

In contrast with Carney, Applicant teaches a method wherein a “state of job progress” is used to set a delay time for polling a device. In an example embodiment, “an expected job completion time” is used to determine the delay time.

Carney provides no disclosure of determining a state of job progress. Carney’s teaching of merely determining whether a job is still processing, or of determining whether an alert condition is present, does not equate to determining a state of job progress. Nor does Carney disclose or suggest determining an expected job completion time and using this to determine a delay time for polling a device.

In an example method recited in Applicant’s specification [page 6, lines 25-32]:

an expected job completion time (EJCT) is calculated from the device and/or job information. For example, the EJCT is initially determined from the PPM [pages per minute] rating of the printer and the number of pages remaining in the print job. When the MA [Monitoring Agent] queries the printer at the start of the print job, it can determine the total pages in the

print job and how many have already been printed at that point. The MA can then calculate how long the print job should take to complete based upon the number of pages left to print and the PPM rating of the printer. Based upon this time, a delay until the next query is performed can be determined.

With respect to independent claims 1, 26 and 27, Carney fails to disclose or suggest determining a state of job progress and setting a device polling delay time depending upon the state of job progress. Merely determining -- as disclosed in Carney -- whether a job is still “ongoing” does not, it is respectfully submitted, equate to disclosure or suggestion of determining a state of job progress. A “state of job progress”, as clearly exemplified in Applicant’s specification, contemplates a degree of resolution greater than that of binary (e.g., ongoing or not ongoing, alarm condition or no alarm condition, etc.). As exemplified in Applicant’s specification, the term “job progress” means how much progress has been made in performing the job. Independent claim 18 has been amended to recite the limitations of canceled claim 23 which relate to the foregoing comments.

With respect to dependent claim 9 and independent claim 13, Carney fails to disclose or suggest determining an expected job completion time and setting a device polling delay time depending upon the expected job completion time. While Carney teaches the “the first polling inquiry may be delayed for a period of time equal to the time that will elapse prior to printing the first page of the present job [Carney, column 5, lines 50-52],” this does not -- it is respectfully submitted -- provide disclosure or suggestion of determining an expected job completion time and setting the delay time depending upon the expected job completion time. Moreover, Carney also fails to disclose or suggest monitoring or otherwise utilizing a number of pages remaining in the print job to determine a delay time for polling a device.

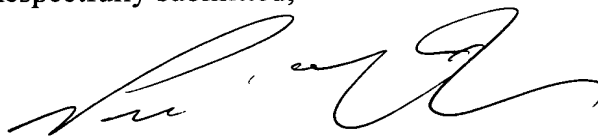
Claims 21-23 and 25 have been canceled.

For the reasons discussed above, it is respectfully submitted that none of Applicant’s claims are anticipated by any of the cited references and that the claims would not have been obvious to one of ordinary skill in the art over the collective teachings of the cited references. Withdrawal of this rejection is respectfully requested.

**CONCLUDING REMARKS**

Applicant submits that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Respectfully submitted,



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